

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
ENTERED

APR 30 1997

STATE FARM FIRE AND CASUALTY §  
COMPANY and STATE FARM MUTUAL §  
AUTOMOBILE INSURANCE COMPANY, §

Plaintiffs, §

v. §

CHARLES E. FITTS, JR., §

Defendant. §

Michael N. Milby, Clerk

CIVIL ACTION NO. H-95-5177

**ORDER**

The court attempted to schedule a telephone conference today pursuant to the court's Order of April 10, 1997 (Docket Entry No. 97). The court was advised by the Holiday Unit that Charles E. Fitts, Jr. was currently confined at the Clements Unit in Amarillo, Texas. Although it is the obligation of all parties to inform the court of their current address, Mr. Fitts never informed the court of this change in his address. The reason the court desired to conduct a telephone conference was to determine the current status of Mr. Fitts' criminal conviction. Mr. Fitts is **ORDERED** to inform the court within 30 days from the entry of this Order the status of his criminal conviction, i.e. whether his appeals have been exhausted and if not what further appellate steps are necessary. If the appellate process will not be completed during the next 12 months the court is inclined to dismiss this action without


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prejudice to either party to reinstate it within 30 days after the completion of the appellate process. If either Mr. Fitts or State Farm knows any reason why the court should not pursue that course of action, they should advise the court at the time they file the papers required by this Order.

State Farm Fire and Casualty Company will inform the court within 60 days of the entry of this Order whether it intends to pursue a motion for summary judgment and if so when it will be in a position to file the motion.

The clerk will modify the docket sheet to show that Mr. Fitts' current address is the Clements Unit, 9601 Spur 591, Amarillo, Texas 79107-9606.

**SIGNED** at Houston, Texas, on this 25th day of April, 1997.

  
SIM LAKE  
UNITED STATES DISTRICT JUDGE